

Note: **This Regional Oversight Plan template is recommended but not required.** Required information regardless of format: 1) state; 2) program; 3) SRF element; 4) brief description of significant issue (2-3 sentences); 5) corrective measures/escalation approach taken by region/state, including schedule and timeframes for completion of corrective actions (2-3 sentences); 6) National Strategy escalation tier (see Attachment 1 or 2013 National Strategy).

National Strategy Regional Oversight Plan

March 2016

Region 2, Puerto Rico

Prog.	Element (Data, Inspections, Violations, Enforcement, Penalty)	Significant Issue	Corrective Measures/Escalation Approach	National Strategy Escalation Tier (1, 2, 3, 4 or combination) ¹
CAA	Data 2015 (round 3)	Minimum data requirements (MDRs) are often incomplete for both inspections and enforcement actions. Data in facility files frequently do not match data in ICIS-air.	EPA is providing MDR/ICIS-air training in March 2016, after which point EQB management will issue a memo to staff reiterating the key points from the training and the importance of providing complete and accurate data. EPA will review selected files after the conclusion of FY'16 to verify that the issue has been resolved.	3
CAA	Inspections 2015 (round 3)	Inspectors lack visible emissions (VE) certifications and as a result Full Compliance Evaluation (FCE) commitments are not being met.	PREQB inspectors recently participated in three separate VE training sessions and many staff are now certified. EPA will be reviewing VE certifications to ensure EQB has capacity to meet FCE commitments and will be tracking FCE commitments through annual data metrics.	2
CAA	Inspections 2015 (round 3)	Many Title V Annual Compliance Certifications (TVACCs) are not reviewed.	EPA will begin tracking all TVACCs received and reviewed on a quarterly basis beginning in June 2016 to ensure that all are being reviewed. Progress will be	2

¹ See Attachment 1 or National Strategy for Improving Oversight of State Enforcement Performance, December 12, 2013.

			tracked through quarterly reports from EQB, reviews of data in ICIS-air, and annual data metrics.	
CAA	Penalties 2015 (round 3)	Penalty calculations are missing key components, including economic benefit, and penalty adjustment rationale.	EPA will provide economic benefit training by the end of 2016 and will review penalty files from the subsequent fiscal year to verify that the issue has been resolved	3

Region 2, Virgin Islands

Prog.	Element (Data, Inspections, Violations, Enforcement, Penalty)	Significant Issue	Corrective Measures/Escalation Approach	National Strategy Escalation Tier (1, 2, 3, 4 or combination) ²
CAA/ CWA	All 2013 (round 3)	VIDPNR has significant issues in all areas (as outlined below). To address these issues, VIDPNR is required to provide inspection and enforcement files to EPA for review on a quarterly basis but has not always done so in a timely fashion for CAA.	For all of the issues listed below, EPA is reviewing all actions on a quarterly basis and will send a status report each quarter beginning in March 2016. EPA will continue this process until an issue has been successfully addressed for four consecutive quarters. EPA also monitor the state's progress through quarterly meetings/conference calls (e.g. SNAP), annual data metrics; additional measures that are issue-specific are detailed below.	3
CAA	Data 2013 (round 3)	Minimum data requirements that the VI enters into the national data system do not consistently match the data in facility file folders. In addition, not all required data was entered.	For the time being, EPA is conducting ICIS-AIR data entry on VIDPNR's behalf. Pending resolution of DPNR's current capacity issues, EPA will eventually train DPNR staff on data entry requirements as outlined in the Minimum Data Reporting Guidance to ensure that data is consistent, accurate and entered in a timely manner. VIDPNR will then develop an SOP for	3

² See Attachment 1 or National Strategy for Improving Oversight of State Enforcement Performance, December 12, 2013.

			entering data into ICIS-AIR after completing the relevant activities.	
CAA	Inspections 2013 (round 3)	The state is not documenting all of the required full-compliance evaluation (FCE) elements to meet the definition of an FCE per the CMS policy.	EPA will train VIDPNR staff on the CMS policy FCE guidelines to ensure the appropriate documentation and accurate definition of a FCE. VIDPNR will then develop an SOP documenting FCE elements based on the definition of an FCE.	3
CAA	Violations 2013 (round 3)	Accurate compliance determinations, including the determination of high-priority violators (HPVs), are not properly made.	EPA will train DPNR staff on determining compliance in accordance with applicable guidance such as the CMS policy and HPV Policy.	3
CAA/ CWA	Enforcement 2013 (round 3)	The state is not taking adequate enforcement action when non-compliance is found.	Some progress has been made in this area but the quarterly review process described above will continue for the foreseeable future.	3
CAA/ CWA	Penalties 2013 (round 3)	The state generally is not issuing penalties as appropriate.	Some progress has been made in this area but the quarterly review process described above will continue for the foreseeable future.	3

Region 2, New Jersey

Prog.	Element (Data, Inspections, Violations, Enforcement, Penalty)	Significant Issue	Corrective Measures/Escalation Approach	National Strategy Escalation Tier (1, 2, 3, 4 or combination)³
All	Penalties 2009 (round 2)	In its previous SRF review, EPA found issues with penalty calculations in all three programs.	In July 2015, EPA held a two-day training event open to DEP staff on penalty calculations, including a 2-hour training on the BEN model for recapturing economic benefit gained from noncompliance. EPA will evaluate	1

³ See Attachment 1 or National Strategy for Improving Oversight of State Enforcement Performance, December 12, 2013.

			progress in this area as part of FY'16 SRF review of DEP.	
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Region 2, New York

Prog.	Element (Data, Inspections, Violations, Enforcement, Penalty)	Significant Issue	Corrective Measures/Escalation Approach	National Strategy Escalation Tier (1, 2, 3, 4 or combination)⁴
All	Penalties 2012 (round 2)	The state is not including economic benefit and gravity in its penalty calculations, does not document the difference between initial and final assessed penalties, and (for RCRA) does not document collection of penalties.	In August 2015, EPA held a two-day training event attended by 40-50 NYSDEC staff on penalty calculations, including a 2-hour training on the BEN model for recapturing economic benefit gained from noncompliance. For all programs, EPA monitors the state's progress through quarterly meetings/conference calls (e.g. SNAP calls), and annual data metrics. Ad hoc calls also occur as needed.	1
CAA	Data 2015 (non-SRF)	NYSDEC data is not currently in ICIS-air.	NYSDEC is developing an Electronic Data Transfer (EDT) system to upload NYS data into ICIS-Air. The EDT system is in the testing stage and should be operational by June 2016. Region 2 will then work with NYS to upload all FY15 & 16 data.	1
CAA	Enforcement 2012 (round 2)	The state does not consistently take timely and appropriate enforcement action.	Once NYSDEC data are in ICIS-air, Region 2 will use the newly-created ICIS-Air HPV report to monitor the state's progress through a formal quarterly consultation.	1

⁴ See Attachment 1 or National Strategy for Improving Oversight of State Enforcement Performance, December 12, 2013.

ATTACHMENT 1

The National Strategy for Improving Oversight of State Enforcement Performance

OECA Escalation Policy (pp 5-6)

Tier 1: Work with the state to call attention to the issue

- Staff level discussions
- Capacity building
- Technical assistance
- Training/workshops
- Standard Operating Procedures (SOPs)
- Voluntary workshare

Tier 2: Elevate problem-resolution to higher management and document path to resolution

- Upper management discussions (RA/Commissioner level)
- Corrective actions in writing
- Grant workplans and PPA (language with changes)
- Issue-specific MOAs
- Corrective actions monitored on a regular basis

Tier 3: Take direct EPA action

- Review completed state actions to see improvements
- Review actions prior to state taking action to ensure conformance
- Conduct joint, oversight, or fed only inspections
- Bring fed only cases

Tier 4: Escalating EPA action

- Overfiling when a state does not take action

- Withholding grant funds
- Temporary or partial withdrawal of a program
- Full program withdrawal